



**ASSEMBLY SUBSTITUTE AMENDMENT 1,
TO 1997 ASSEMBLY BILL 58**

February 12, 1998 – Offered by Representative OWENS.

1 **AN ACT** *to repeal* 87.30 (1d) (a) 3.; *to renumber* 59.692 (1r); *to amend* 87.30 (1d)
2 (b); and *to create* 59.692 (1p) of the statutes; **relating to:** limitations on
3 improvements of nonconforming buildings in shorelands and on improvements
4 of certain nonconforming buildings in floodplains.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

5 **SECTION 1.** 59.692 (1p) of the statutes is created to read:
6 59.692 (**1p**) (a) In this subsection:
7 1. “Nonconforming building” means an existing lawful building which is not in
8 conformity with the dimensional or structural requirements of a shoreland zoning
9 ordinance enacted under this section and includes a building with a nonconforming
10 use.

1 2. “Nonconforming use” means an existing lawful use or accessory use of a
2 structure, building or development which is not in conformity with the provisions of
3 a shoreland zoning ordinance enacted under this section.

4 (b) A shoreland zoning ordinance enacted under this section shall permit the
5 repair, reconstruction or improvement of any nonconforming building, except as
6 provided in par. (c).

7 (c) A shoreland zoning ordinance enacted under this section may not permit the
8 repair, reconstruction or improvement of a nonconforming building if the
9 nonconforming building, after repair, reconstruction or improvement, will fail to
10 conform to the requirements specified in s. 87.30 (1d) (c), if those requirements are
11 applicable to the nonconforming building.

12 **SECTION 2.** 59.692 (1r) of the statutes is renumbered 59.692 (1u).

13 **SECTION 3.** 87.30 (1d) (a) 3. of the statutes is repealed.

14 **SECTION 4.** 87.30 (1d) (b) of the statutes is amended to read:

15 87.30 (1d) (b) ~~For noneonforming buildings that are damaged or destroyed by~~
16 ~~a nonflood disaster~~ a A floodplain zoning ordinance shall permit the repair,
17 reconstruction or improvement of any such nonconforming building, ~~in order to~~
18 ~~restore it after the nonflood disaster~~ except as provided in par. (c).

19 **SECTION 5. Initial applicability.**

20 (1) The treatment of section 59.692 (1p) of the statutes first applies to
21 provisions under a county shoreland zoning ordinance on the effective date of this
22 subsection regardless of when the county shoreland zoning ordinance was enacted.

23 (2) The treatment of section 59.692 (1p) of the statutes first applies to repairs,
24 reconstruction and improvements that begin on the effective date of this subsection.

1 (3) The treatment of section 87.30 (1d) (a) 3. and (b) of the statutes first applies
2 to provisions under a floodplain zoning ordinance on the effective date of this
3 subsection regardless of when the floodplain zoning ordinance was enacted.

4 (4) The treatment of section 87.30 (1d) (a) 3. and (b) of the statutes first applies
5 to repairs, reconstruction and improvements that begin on the effective date of this
6 subsection.

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(END)